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10/520,312	01/05/2005	Gerhardus Engbertus Mekenkamp	BAI525-224/08246	1076

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EXAMINER	
EKPO, NNENNA NGOZI	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/520,312	MEKENKAMP ET AL.	
	Examiner	Art Unit	
	Nnenna N. Ekpo	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgment

1. This Office Action is responsive to the remarks/arguments filed on July 2, 2008.

Specification

2. Previous objection to the abstract is withdrawn in view of Applicants amendment filed on 07/02/2008.

Response to Arguments

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1-8, 11-12 and 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (U.S. Publication No. 2002/0095673) in view of Blonstein et al. (U.S. Patent No. 6,037,933).

Regarding **claims 1 and 11**, Leung et al. discloses a method of conditionally blocking reproduction of content items on a reproduction device, the method comprising (see paragraph 0007):

obtaining a content reference identifier (program title) for a particular content item to be blocked (see paragraph 0125, lines 8-19 and fig 25),

resolving the content reference identifier into a locator indicating availability (KWHY 22 7/4 SAT 10:00p-0:00a) of the particular content item (see paragraph 0126 and fig 26), and

blocking (144) the reproduction device for the indicated availability (see paragraph 0126, lines 7-12 and fig 26 (144)).

However, Leung et al. fails to specifically disclose checking periodically for a content item corresponding to the particular content reference identifier until the content item is scheduled to become available.

Blonstein et al. discloses checking periodically for a content item corresponding to the particular content reference identifier until the content item is scheduled to become available (see col. 11, lines 46-col. 13, lines 30, abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al.'s invention with the above mentioned limitation as taught by Blonstein for the advantage of obtaining the broadcasting time of a future program.

Regarding **claim 2**, Leung et al. and Blonstein et al. discloses everything claimed as applied above (*see claim 1*). Leung et al. discloses the method wherein the content items are broadcast and the reproduction device is arranged to receive broadcast content items (see paragraph 0074, lines 21-24), wherein the locator indicates a

scheduled broadcast of the particular content item at a specific time (10:00p-0:00a) on a specific channel (KWHY 22), and wherein the reproduction device is blocked (144) for reproduction for the specific time and channel (see fig 26 and paragraph 0126).

Regarding **claim 3**, Leung et al. and Blonstein et al. discloses everything claimed as applied above (*see claim 1*). Leung et al. discloses the method wherein the content items reside on a server available for transfer on a request from the reproduction device, wherein the locator indicates the availability of the content item at the server during a specific period of time (particular time slot), and wherein the reproduction device is blocked (blanked) for retrieval of the content item from the server for the specific period of time (see paragraph 0072).

Regarding **claim 4**, Leung et al. and Blonstein et al. discloses everything claimed as applied above (*see claim 1*). Leung et al. discloses the method wherein blocking of the reproduction device is reversed by a user with a proper authorization (see abstract, lines 6-14).

Regarding **claim 5**, Leung et al. and Blonstein et al. discloses everything claimed as applied above (*see claim 4*). Leung et al. discloses the method wherein the proper authorization is determined by at least one of: entry of a password (password), entry of a smart card, recognition of a finger print, and voice recognition (see abstract, lines 10-14, fig 66 and paragraph 0201, lines 6-7 for entry of password).

Regarding **claim 6**, Leung et al. and Blonstein et al. discloses everything claimed as applied above (*see claim 1*). Leung et al. discloses the method wherein obtaining the content reference identifier of the particular item includes:

selecting from an external location an advisory list containing at least a reference to the particular content item (see paragraph 0058), and

receiving content reference identifiers for the content items referred to on the list (see paragraph 0064, lines 9-14).

Regarding **claim 7**, Leung et al. and Blonstein et al. discloses everything claimed as applied above (*see claim 1*). Leung et al. discloses the method wherein obtaining the content reference identifier of the particular item includes:

receiving a signal representing a further content item and containing the content reference identifier (see paragraph 0133, lines 13-15),

during reproduction of the further content item enabling a user to indicate storing the content reference identifier (see paragraph 0070),

upon the user so indicating, storing the content reference identifier (see paragraph 0071, lines 9-12).

Regarding **claim 12**, Leung et al. and Blonstein et al. discloses everything claimed as applied above (*see claim 11*). Leung et al. discloses a reproduction device wherein the reproduction device comprises resolution means for resolving the content

reference identifier into the locator and wherein the receiving means are arranged to receive the result from the resolution means (see paragraph 0144).

Regarding **claims 8 and 16**, Leung et al. discloses a method of providing blocking information for conditionally blocking reproduction of content items on a reproduction device, the method comprising (see paragraph 0007):

preparing an advisory list (list from a third party, e.g. religious organizations etc.) containing a reference to a particular content item and containing a content reference identifier for that particular content item (see paragraph 0058-0059), and

making the advisory list available for transfer to and use in the reproduction device for (see paragraph 0060)

resolving the content reference identifier into a locator indicating availability (KWHY 22 7/4 SAT 10:00p-0:00a) of the particular content item (see paragraph 0126 and fig 26), and

blocking (144) the reproduction device for the indicated availability (see paragraph 0126, lines 7-12 and fig 26 (144)).

However, Leung et al. fails to specifically disclose checking periodically for a content item corresponding to the particular content reference identifier until the content item is scheduled to become available.

Blonstein et al. discloses checking periodically for a content item corresponding to the particular content reference identifier until the content item is scheduled to become available (see col. 11, lines 46-col. 13, lines 30, abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al.'s invention with the above mentioned limitation as taught by Blonstein for the advantage of obtaining the broadcasting time of a future program.

Regarding **claim 14**, Leung et al. a television set for reproducing content items, the television set comprising (see fig 1 (16)):

a receiver for receiving the content items (see paragraph 0083),

a reproduction device for conditionally blocking reproduction of one or more content items as claimed in claim 11 (see paragraph 0007), and

a display for displaying the content items not blocked by the reproduction device (see paragraph 0065, lines 17-20),

an obtaining device configured to obtain a content reference identifier (program title) for the one or more content item to be blocked (see paragraph 0125, lines 8-19 and fig 25),

receiving the result of resolving the content reference identifier into a locator indicating availability (KWHY 22 7/4 SAT 10:00p-0:00a) of the one or more content items (see paragraph 0126-0127 and fig 26), and

blocking device configured to block (144) the reproduction device for the indicated availability based upon the results of the checking (see paragraph 0126, lines 7-12 and fig 26 (144)).

However, Leung et al. fails to specifically disclose checking periodically for a content item corresponding to the particular content reference identifier until the content item is scheduled to become available.

Blonstein et al. discloses checking periodically for a content item corresponding to the particular content reference identifier until the content item is scheduled to become available (see col. 11, lines 46-col. 13, lines 30, abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al.'s invention with the above mentioned limitation as taught by Blonstein for the advantage of obtaining the broadcasting time of a future program.

Regarding **claim 15**, Leung et al. discloses a video recorder for storing and reproducing content items comprising (see fig 4 (55)):

a receiver for receiving the content items (see paragraph 0068),

a reproduction device for indicating conditionally blocking of reproduction of one or more content items as claimed in claim 11 (see paragraph 0007),

storing means for storing the content items on a storage medium (see paragraph 0108, lines 17-20), and

retrieving means for retrieving the content items from the storage medium (see paragraph 0073), if the content items are not blocked (see paragraphs 0071-0072),

an obtaining device configured to obtain a content reference identifier (program title) for the one or more content item to be blocked (see paragraph 0125, lines 8-19 and fig 25),

receiving the result of resolving the content reference identifier into a locator indicating availability (KWHY 22 7/4 SAT 10:00p-0:00a) of the one or more content items (see paragraph 0126-0127 and fig 26), and

blocking device configured to block (144) the reproduction device for the indicated availability based upon the results of the checking (see paragraph 0126, lines 7-12 and fig 26 (144)).

However, Leung et al. fails to specifically disclose checking periodically for a content item corresponding to the particular content reference identifier until the content item is scheduled to become available.

Blonstein et al. discloses checking periodically for a content item corresponding to the particular content reference identifier until the content item is scheduled to become available (see col. 11, lines 46-col. 13, lines 30, abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al.'s invention with the above mentioned limitation as taught by Blonstein for the advantage of obtaining the broadcasting time of a future program.

6. **Claims 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (U.S. Publication No. 2002/0095673) and Blonstein et al. (U.S. Patent

No. 6,037,933) as applied to *claim 8* above, and further in view of Ellis et al. (U.S. Patent No. 7,065,709).

Regarding **claim 9**, Leung et al. and Blonstein et al. discloses everything claimed as applied above (*see claim 8*). Leung et al. discloses advisory list (see paragraph 0058, lines 19-21 (third party rating)) and wherein a user is enabled for selecting the list for transfer to the reproduction device (see paragraph 0058, lines 22-25).

However, Leung et al. and Blonstein et al. fail to specifically disclose list is stored on a server.

Ellis et al. discloses storing lists on a server (see col. 23, lines 24-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al. and Blonstein et al.'s invention with the above mentioned limitation as taught by Ellis et al. for the advantage of providing requested information to the user/client.

Regarding **claim 10**, Leung et al. and Blonstein et al. discloses everything claimed as applied above (*see claim 8*). Leung et al. discloses advisory list (see paragraph 0058, lines 19-21 (third party rating)) and wherein the user is enabled to indicate storing the advisory list in the reproduction device (see paragraph 0059).

However, Leung et al. and Blonstein et al fail to specifically disclose data is broadcast to the reproduction device.

Ellis et al. discloses data (video) is broadcast to the reproduction device (television equipment (22)) (see col. 5, lines 47-51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al. and Blonstein et al.'s invention with the above mentioned limitation as taught by Ellis et al. for the advantage of enabling users/viewers to determine the most appropriate and effective program to view.

7. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (U.S. Publication No. 2002/0095673) in view of Bates et al. (U.S. Publication No. 2003/0145321) and Blonstein et al. (U.S. Patent No. 6,037,933).

Regarding **claim 13**, Leung et al. discloses a reproduction device for conditionally blocking reproduction of one or more content items (see paragraph 0007),

an obtaining device configured to obtain a content reference identifier (program title) for the one or more content item to be blocked (see paragraph 0125, lines 8-19 and fig 25),

receiving the result of resolving the content reference identifier into a locator indicating availability (KWHY 22 7/4 SAT 10:00p-0:00a) of the one or more content items (see paragraph 0126-0127 and fig 26), and

blocking device configured to block (144) the reproduction device for the indicated availability based upon the results of the checking (see paragraph 0126, lines 7-12 and fig 26 (144)).

However, Leung et al. fails to specifically disclose a set-top box for reproducing content items, the set-top box comprising:

a receiver for receiving the content items.

Bates et al. disclose a set-top box for reproducing content items, the set-top box comprising (see fig 1 (14)):

a receiver for receiving the content items (see paragraph 0033).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al.'s invention with the above mentioned limitation as taught by Bates et al. for the advantage of allowing users directly interact with certain programs.

However, Leung et al. and Bates et al. fail to specifically disclose checking periodically for a content item corresponding to the particular content reference identifier until the content item is scheduled to become available.

Blonstein et al. discloses checking periodically for a content item corresponding to the particular content reference identifier until the content item is scheduled to become available (see col. 11, lines 46-col. 13, lines 30, abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al. and Bates et al.'s invention with the above mentioned limitation as taught by Blonstein for the advantage of obtaining the broadcasting time of a future program.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NNE/nne
September 4, 2008.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2623